

# Senate File 42

SENATE FILE \_\_\_\_\_  
BY McKINLEY and NOBLE

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act modifying the criminal offense of indecent exposure, and  
2 providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1108SS 83  
5 jm/rj/5

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1 1 Section 1. Section 709.9, Code 2009, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:  
4 709.9 INDECENT EXPOSURE.  
5 1. A person commits indecent exposure if, for the purpose  
6 of arousing or gratifying the sexual desires of the person or  
7 any other person other than the person's spouse, the person  
8 exposes the genitals or pubes of the person under  
9 circumstances in which the person knows the conduct is likely  
10 to cause affront or alarm.  
11 2. A person commits indecent exposure if, for the purpose  
12 of arousing or gratifying the sexual desires of the person or  
13 any other person, the person commits a sex act in the presence  
14 or view of a third person, under circumstances in which the  
15 person knows the conduct is likely to cause affront or alarm.  
16 3. A person who commits indecent exposure is guilty of a  
17 serious misdemeanor.

## EXPLANATION

18 This bill makes changes to the criminal offense of indecent  
19 exposure.

20 Under the bill, a person commits indecent exposure if the  
21 person exposes the genitals or pubes of the person for the  
22 purpose of satisfying or gratifying the sexual desires of the  
23 person or any other person other than the person's spouse,  
24 under circumstances in which the person knows the conduct is  
25 likely to cause affront or alarm. Current law provides that  
26 the indecent exposure of a person be directed to another  
27 person for the purpose of sexual arousal or gratification and  
28 that the person knows or reasonably should know that the act  
29 is offensive to the viewer.

30 Under the bill, a person also commits indecent exposure if  
31 the person commits a sex act, as defined in Code section  
32 702.17, in the presence or view of a third person for the  
33 purpose of satisfying or gratifying the sexual desires of the  
34 person or any other person under circumstances in which the  
35 person knows the conduct is likely to cause affront or alarm.  
2 1 Current law provides that a person commits indecent exposure  
2 2 if the person commits a sex act in the presence or view of a  
2 3 third person for the purpose of satisfying or gratifying the  
2 4 sexual desires of either party and the person knows or  
2 5 reasonably should know that the act is offensive to the  
2 6 viewer.

2 7 Under the bill and in current law, a person who commits  
2 8 indecent exposure is guilty of a serious misdemeanor. In  
2 9 addition, under the bill and in current law, a person who  
2 10 commits indecent exposure is subject to a special sentence  
2 11 pursuant to Code section 903B.2, and is also required to  
2 12 register as a sex offender.

2 13 LSB 1108SS 83  
2 14 jm/rj/5